

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

FILED  
FAMILY COURT DIV.  
2009 DEC -3 PM 3:12  
HENNEPIN CO. DISTRICT  
COURT ADMINISTRATION

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
FAMILY COURT DIVISION  
JUVENILE COURT DIVISION

In re: Court Procedure to Open,  
Consolidate and Process  
Parentage Proceedings in All  
Assisted Reproductive Technology  
Cases in the Fourth Judicial District

ORIGINAL

**ORDER**

WHEREAS, the number of parentage proceedings initiated in Hennepin County following the birth of children pursuant to Assisted Reproductive Technology ("ART") agreements is increasing; and,

WHEREAS, the proceedings in these ART cases often involve multiple issues under separate files of the family and juvenile court divisions; and,

WHEREAS, the presiding judges of both the family and juvenile court divisions have met and determined that a consistent and expedited procedure for opening, consolidating, and processing the orders in these proceedings before one judicial officer will promote the efficient administration of justice and conserve resources.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Separate cases shall be opened by the filing of an appropriate petition in each separate court proceeding necessary to establish the intended parentage of the child(ren) born as a result of ART.

2. Each petition filed shall contain a specific allegation stating whether the child(ren) who are the subjects of the proceeding are eligible for enrollment in an American Indian tribe and/or otherwise subject to the Indian Child Welfare Act.

3. If there is a request to open the file(s) prior to the child(ren)'s birth and/or expedite the proceedings after birth, the petition(s) shall be accompanied by an emergency filing order and an affidavit in support of the emergency relief requested. The files may then be opened prior to the birth of the child(ren) and/or the proceedings may be expedited after the birth of the child(ren).

4. All petitions filed in family court division proceedings related to ART shall be delivered in person or by mail to "Family Court: Attn. Paternity Clerk."

5. All petitions filed in juvenile court division proceedings related to the ART shall be delivered in person or by mail to "Juvenile Court: Attn. Adoption Clerk."

6. If the establishment of parentage requires court proceedings in the family and juvenile court divisions, the petition in each juvenile court proceeding shall be accompanied by an order for transfer of each juvenile court division file to the family court division for consolidation and assignment pursuant to Minn. Stat, § 484.78 so all the files related to ART can be assigned to one judicial officer in the family court division.

7. Promptly upon receipt of the petitions and any related pleadings in the family court proceedings, the paternity clerk or that person's designee shall deliver the pleadings to the presiding judge or her/his designee for execution of the emergency filing order and any related

pleadings. Immediately upon execution of the emergency filing order and any related pleadings, the Family Court Manager or that person's designee shall open the files and assign them to one of the judicial officers designated to hear ART matters in family court.


8. Promptly upon receipt of the petitions and any related pleadings in the juvenile court proceedings, the adoption clerk shall deliver the pleadings to the presiding judge or her/his designee for execution of the emergency filing and file transfer orders. Immediately upon execution of the emergency filing and file transfer orders and any related pleadings, the adoption clerk shall open the files and physically transfer them to family court paternity clerk for consolidation assignment as set forth in paragraph 7 above.

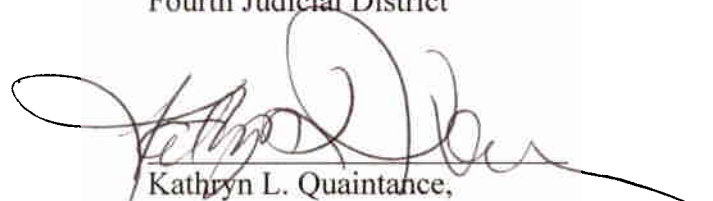
9. All proceedings in each ART matter shall be conducted before the single assigned judicial officer in family court. Once the proceedings have been concluded and the assigned judicial officer has signed the resulting orders, the assigned judicial officer's clerk or, if the above orders so state, the designated attorney for the parties shall hand-carry the files and executed family and juvenile court orders to the paternity and adoption clerks, respectively, for immediate processing and certification. Upon request, and if the orders so state, the respective administrative clerks will process and deliver to the parties or their designated attorney certified copies of all executed court orders and the original certificate of adoption, if requested, on the same day as the hearing is conducted, if possible, or as soon thereafter as is possible.

10. Upon conclusion of the proceedings and filing and processing of all resulting orders, the family court files shall remain in family court and the juvenile court file shall remain in juvenile court.

Date: December 3, 2009

BY THE COURT

  
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Tanja K. Manrique,  
Presiding Judge of Family Court  
Fourth Judicial District

  
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Kathryn L. Quaintance,  
Presiding Judge of Juvenile Court  
Fourth Judicial District